

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

DUANE EAVES,

Petitioner,

v.

Case No. 2:16-cv-03547  
Case No. 2:05-cr-00076  
Case No. 2:05-cr-00164  
Case No. 2:05-cr-00165

UNITED STATES OF AMERICA,

Respondent.

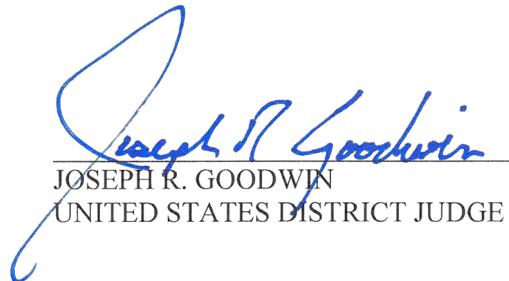
**MEMORANDUM OPINION AND ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 17, 2018, Judge Tinsley submitted his Proposed Findings of Fact and Recommendation (“PF&R”), recommending the court deny Movant’s Letter-Form Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 64 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 31 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and his Supplemental Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 71 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 37 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and dismiss the civil action from the docket. No objections to Judge Tinsley’s PF&R have been filed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **DENIES** Movant's Letter-Form Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 64 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 31 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and his Supplemental Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 71 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 37 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and **REMOVES** this matter from the docket.

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record, any unrepresented party, and the United States Magistrate Judge.

ENTER: October 11, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE